

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Mark Acton, Vice Chairman;
Tony L. Hammond; and
Nanci E. Langley

Complaint of Armando M. Pons

Docket No. C2011-4

ORDER DISMISSING COMPLAINT

(Issued July 14, 2011)

I. INTRODUCTION

On June 20, 2011, the Commission received a complaint from Armando Mirarchi Pons of Montvale, NY, alleging that the Postal Service failed to properly deliver a Department of Treasury check to his post office box in Los Angeles, CA, which the Postal Service had in its possession.¹ Mr. Pons alleges that failing to deliver the check violates 18 U.S.C. 1701, 1702, 1703, 1709, and California Penal Code 530.5(e). He also alleges related due process, search and seizure, employee supervision, and privacy issues. He seeks the recovery and delivery of the Department of Treasury check, employee disciplinary action, and damages.

¹ See Complaint Regarding Obstruction, Delay, Destruction and Theft of Mail Matter by Officer or Employee of U.S. Postal Service-Textile Finance at 100 W Olympic Blvd, Los Angeles, CA 90015, July 12, 2011 (Complaint).

II. JURISDICTION

A complaint may be filed with the Commission if the filing party believes that the Postal Service is not operating in conformance with:

(a) The provisions of 39 U.S.C. chapter 36, or 39 U.S.C. 101(d), 401(2), 403(c), 404a, or 601; or

(b) Any rule, order, or other regulatory requirement based on any of these statutory provisions.

39 CFR 3030.2; *see also* 39 U.S.C. 3662(a).

Mr. Pons alleges a failure to deliver a specific mailpiece that he believes to be in the possession of the Postal Service. Issues related to the delivery of mail, in general, are within the Commission's complaint jurisdiction.

Mr. Pons's allegations of violation of criminal statutes are outside the Commission's complaint jurisdiction. The Commission will not consider these issues of the Complaint.

III. RESOLUTION

Mr. Pons states that he previously attempted to resolve this matter on his own. First, he discussed the nondelivery of the check with the postal employee and supervisor responsible for placing mail in the post office box. Then, he contacted Postal Service customer service on multiple occasions, both online and by phone. Mr. Pons asserts that none of these actions led to a satisfactory resolution.

The Commission has established procedures for resolving rate or service inquiry issues. *See* 39 CFR 3031.10 *et seq.* The Commission may, at its discretion, apply these procedures to complaints that concern rate of service matters that are isolated incidents affecting few mail users (with limited exceptions). *See* 39 CFR 3030.13. The provisions of 39 CFR 3031.10 *et seq.* shall be applied to the instant Complaint.

On June 21, 2011, the Commission assigned case number 1443 to the Complaint and forwarded it to the Postal Service as a rate or service inquiry for

resolution.² The Commission has received notice from the Postal Service that it has investigated and resolved all issues pertaining to the nondelivery of the Department of Treasury check to Mr. Pons. The Postal Service has informed him of the outcome by letter dated June 29, 2011.

Pursuant to 39 CFR 3031.11(c), the Commission considers the Postal Service's response as a clear indication that the matter has been resolved. No further action is required regarding the Complaint. Accordingly, the Complaint of Mr. Pons is dismissed.

It is ordered:

The Complaint of Armando M. Pons, submitted June 20, 2011, is dismissed.

By the Commission.

Ruth Ann Abrams
Acting Secretary

² Because the Complaint has been previously forwarded to the Postal Service, the Commission need not issue an order again directing this action as indicated by 39 CFR 3030.13(b).